

REMARKS

Claims 42 to 49 are added, and therefore claims 1, 2, and 21 to 49 are pending and considered in the present application (since claims 3 to 20 were previously withdrawn in response to a restriction requirement and later canceled).

In view of the following, it is respectfully submitted that the presently pending and considered claims are allowable, and reconsideration is respectfully requested.

Regarding the objection to the drawings under 37 C.F.R. § 1.83(a), while this section requires the drawings to show every feature specified in the claims, it also provides that “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be” -- but are not required to be -- “illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation.” The feature of a quad-ring, in claims 34 to 36, need not be illustrated since a detailed illustration thereof is not essential for a proper understanding of the claimed subject matter, and because the sealing ring 1 of Fig. 1, can be a quad-ring or x-ring as described in the Specification at, e.g., page 5, lines 27 to 30.

It is therefore respectfully requested that the drawings objections be withdrawn.

As to the objection to claim 24, while the objection may not be agreed with, to facilitate matters, claim 2 has been rewritten without prejudice to change the text of “high” and “low” to --higher-- and --lower--, so as to obviate the objection. Approval and entry are respectfully requested, as is withdrawal of the objection.

As to the objection to claim 36, as explained above, the sealing ring of the presently claimed subject matter can be a quad-ring or an x-ring. However, although quad-rings and x-rings are both sealing rings they are not “the same” as asserted in the Office. Therefore, withdrawal of the objection is respectfully requested.

As to the objection to claim 37, further clarification from the Office is respectfully requested. It is simply not understood why claim 37 is asserted to be a broader recitation of previously presented features of claim 1. In the absence of further clarification, withdrawal of

the objection is respectfully requested, since there is no apparent basis that properly supports the objection.

As to the objection to claim 41 (it is believed that the Office is referring to claim 41 in this objection), while the objection may not be agreed with, to facilitate matters, claim 2 has been rewritten without prejudice to delete the text of “(dry)”, so as to obviate the objection. Approval and entry are respectfully requested, as is withdrawal of the objection.

Claims 1, 2 and 21 to 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6, 079,959 (“Kingsford”) in view of German Published Application No. 100 18 143 (“Massler I”).

Although the rejections may not be agreed with, to facilitate matters, claim 1 has been rewritten to provide that the pump includes a metal housing and at least one eccentric shaft and that the rotational motion of a drive is transmitted via the at least one shaft to the at least one piston, in which a section of the metal housing abuts the at least one piston next to the at least one shaft and guide the movement of the at least one piston. Support for this feature is disclosed, for example, in the specification at page 19, line 32 to page 20, line 10 and in Figure 3.

Any review of Massler and Kingsford, whether taken alone or combined, readily confirms that the applied references do not disclose or even suggest the above-discussed feature of claim 1. The pump of Kingsford, for example, supposedly includes a “piston gland . . . attached to the chamber and . . . a diametrically positioned piston guide through which the piston is disposed”. The housing (12) of Kingsford does not abut the piston next to a shaft and guide the pistons’ movement as provided for in the context of the presently claimed subject matter.

Accordingly, it is respectfully submitted that the Kingsford and Massler do not render unpatentable claim 1, as presented, for at least these reasons, so that claim 1, as presented, is allowable, as are its dependent claims.

In view of all of the foregoing, withdrawal of the rejections is respectfully requested.

Claims 34 to 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kingsford in view of Massler I as applied to claim 1 above, and further in view of U.S. Patent No. 5, 577,896 (“Harada”).

Claims 34 to 36 depend ultimately from claim 1 and therefore include all of the features of claim 1, as presented. The Harada reference does not cure – and is not asserted to cure -- the deficiencies of Kingsford and Massler as to claim 1, as presented. Accordingly, it is respectfully submitted that the combination of Kingsford, Massler and Harada does not render upatentable claims 34 to 36 for at least the reasons explained above, so that these claims are allowable.

In view of the foregoing, withdrawal of the rejections is respectfully requested.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

New claims 42 to 49 do not add any new matter and are supported by the present application, including the specification. Claims 42 to 49 depend from claim 1, as presented, and they are therefore allowable, and for the further reasons that they recite combined features which are plainly not disclosed nor suggested by the applied references, whether taken alone or combined.

Accordingly, claims 1, 2 and 21 to 49 are allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending and considered claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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